

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

JUN - 6 2003

Federal Communications Commission
Office of Secretary

In the Matter of:

Amendment of Section 73.202(b),
 Table of Allotments,
 FM Broadcast Stations,
 (Talladega and Munford, Alabama)

MM Docket No. _____
 RM - _____

To: Chief, Allocations Branch
 Policy Division, Media Bureau

PETITION FOR RULE MAKING

Jacobs Broadcast Group, Inc. ("Jacobs"), by Counsel, and pursuant to §§ 1.401 and 1,420 of the Commission's Rules, hereby respectfully petitions the Commission to institute Rule Making proceedings for amendment of the FM Table of Allocations, as follows:

<u>City / State</u>	<u>Existing</u>	<u>Proposed</u>
Talladega, Alabama	224A, 248A	248A
Munford, Alabama	---	248A

In support hereof, the following is shown:

Background

1. Jacobs is the Licensee of Radio Station WTDR-FM at Talladega, Alabama. Jacobs proposes the reallocation of Channel 224A from Talladega to Munford, Alabama, and the modification of the WTDR-FM license to specify Munford as its community of license. The reallocation of Channel 224A to Munford, Michigan would provide that community with its first local aural service. Talladega would continue to receive local aural service from Radio

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Stations WNUZ-AM (1230 kHz) and WSSY-FM (97.5 MHz) -- both of which are licensed to Talladega./¹

Technical Criteria

2. An allocation study conducted by Jacob's consulting engineer shows that Channel 224A may be reallocated to Munford, Alabama in compliance with the §73.207 spacing requirements to all other applicable facilities at the present WTDR-FM transmitting site, and that requisite city-grade signal will be placed over the entire community of Munford./² See, *Attachment No. 1 (Technical Statement of R. Stuart Graham of Graham Brock, Inc.)*

Community Qualifications of Munford, Alabama

3. Munford, Alabama is qualified and deserving to receive the reallocation of Channel 224A for a multitude of reasons. Munford is listed as a Census Designated Place ("CDP") in the Year 2000 U.S. Census with a population of 2,446. Munford is an incorporated town, and elects its own Mayor and Town Council./³ Munford also has its own volunteer fire department (telephone number 256-358-4243), its own high school (the Munford High School; telephone number 256-315-5220), and its own U.S. Post Office and postal zip code -- 36268. Munford is also home to numerous businesses and houses of worship that use the Munford name, such as:

Munford Baptist Church (Highway 21)
Munford Health Clinic (48 Cedars Road)
Munford Headstart (Daycare) (49 Railroad Street)

¹ There is, however, a proposal pending before the Commission to relocate WSSY-FM to Goodwater, Alabama.

² The geographical coordinates of the WTDR-FM transmitting site are North Latitude 33 - 29 -12; West Longitude 85 - 59 -15.

³ The Munford City Hall may be reached at 256-358-9050.

Munford Fina Mart (43488 Highway 21)
Munford Discount Drugs (29 Byrd Street)
Munford Tractor Co. (Highway 21)

Munford Heating & Cooling (1217 Armbruster Lane)
Munford Church of Christ (143 Main Street)
Munford Machine, Inc. (189 Patterson Drive)

Munford Village Apartments (200 Mackenzie Circle)

In addition to the foregoing, the community of Munford is host to a variety of other houses of worship and businesses:

Shady Grove Baptist Church (801 Jenifer Road)
First Missionary Baptist Church (40684 Highway 21)
Jenifer Baptist Church (1385 Granttown Road)
Hallgrove Baptist Church (488 Hall Grove Road)
Oak Grove Baptist Church (Oak Grove Road)
Sweet Home Baptist Church (655 Silver Run Road)
Shiloh Missionary Baptist Church (1233 Silver Run Road)

Backstreet Cuts & Tans (43943 Highway 21)
Ms. Frankie's Day Care (535 Taylors Chapel Road)
Big Daddy's Bar-B-Q (43121 Highway 21)

Chicken Wing Hut (69 Powell Lane)
First National Bank (Highway 21) (telephone number 256-358-9000)
Evelyn's Bakery (1762 Ledbetter Road)

Wal-Mart Supercenter (92 Plaza lane)
Jenkins Grocery (2457 Stockdale Road)
Pickettes Supermarket (44201 Highway 21)

Jacobs submits that when all of the above factors are considered -- namely, the fact that the community of Munford is a Census Designated Place, is an incorporated town with an elected government, has its own postal Zip Code, has numerous businesses and churches that incorporate "Munford" into their

names, and is home to a local high school and volunteer fire department -- the Commission should agree that Munford has a geographically identifiable population grouping and that objective indicia of community status are present.⁴ See, *FM Channel Assignments: Middletown, California*, 69 RR 2d 1626 (MMB 1991); *Report and Order*, DA 99-2095 (MM Docket No. 98-180 - *Fremont and Holton, Michigan*)(released October 8, 1999).

Public Interest Showing

4. Acceptance of this Petition and the modification of the WTDR-FM license to specify Munford as its community of license is in the public interest. This proposal provides first local aural service to the community of Talladega, without depriving Talladega of any local aural service since WNUZ-AM will continue to be licensed to Talladega.

5. Based upon the foregoing, Jacobs submits that this proposal results in a preferential arrangement of allotments, a new service benefit to the communities involved, and qualifies for consideration without affording other interested parties an opportunity to file competing expressions of interest. See, *Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989), recon. granted in part, 5 FCC Rcd 7094 (1990).

Statement of Continuing Interest

6. Jacobs hereby states that, should the Commission institute the requested Rule Making proceedings and ultimately adopt the amendment to the

⁴ The foregoing information about the community of Munford, Alabama was obtained from calls to the local Chamber of Commerce (telephone number 256-362-9075) as well as Internet research on www.superpages.com. and www.yellowbook.com.

FM Table of Allotments proposed herein, it would file an application for modification of the WTDR-FM license to specify Munford as its community of license.

Conclusion

WHEREFORE, the above premises considered, Jacobs respectfully urges that the Commission commence Rule Making Proceedings proposing to amend § 73.202(b) of the Commission's Rules, FM Table of Allotments, as follows:

<u>City / State</u>	<u>Existing</u>	<u>Proposed</u>
Talladega, Alabama	224A, 248A	248A
Munford, Alabama	---	248A

Respectfully submitted,

JACOBS BROADCAST GROUP, INC.

By: 
Cary S. Tepper

Its Attorney

Booth, Freret, Imlay & Tepper, P.C.
7900 Wisconsin Avenue
Suite 304
Bethesda, MD 20814-3628

(202) 686-9600

June 6, 2003

Attachment No. 1

(Technical Statement of R. Stuart Graham)

PETITION FOR RULE MAKING
JACOBS BROADCAST GROUP, INC.
WTDR FM RADIO STATION
RE-ALLOT CHANNEL 224A
MUNFORD, ALABAMA
June 2003

TECHNICAL STATEMENT

1. This technical statement and attached exhibits have been prepared on behalf of Jacobs Broadcast Group, Inc., licensee of WTDR, Channel 224A, Talladega, Alabama, requesting that Channel 224A be re-allotted from Talladega, Alabama, to Munford, Alabama. The proposed allotment to Munford is mutually exclusive with the present WTDR allotment at Talladega, Alabama. The proposed allotment to Munford, Alabama, will provide this community with its first locally licensed aural service. However, the re-allotment of Channel 224A to Munford will not deprive Talladega, Alabama, of its only service, since AM station WNUZ, 1230 kHz, will remain licensed to Talladega.¹ WNUZ operates with 1.0 kilowatt full-time as a Class C AM station with a non-directional antenna.

DISCUSSION

2. The community of Munford is located in northeast Talladega County, Alabama. Munford is a Census Designated Place ("CDP") listed in the 2000 U.S. Census with a population of 2,446 persons. Munford has numerous community service organizations, businesses, churches and residences, as well as identified school systems within the county school structure.

1) It is noted that, in a separate rule making proceeding, it is proposed to relocate WSSY-FM, Channel 248A, presently licensed to Talladega, to Goodwater, Alabama. Since this proceeding is on-going, WSSY will not be considered a Talladega licensed station.

_____3. The community of Talladega is located in central Talladega County, Alabama.

Talladega is an incorporated city listed in the 2000 U.S. Census with a population of 15,143 persons. Talladega currently has three commercial broadcast stations; WTDR(FM) - 92.7 MHz, WSSY FM - 97.5 MHz and WNUZ(AM) - 1230 kHz.

PROPOSAL

4. Channel 224A can be allotted to Munford, Alabama, at geographic coordinates North Latitude 33° 29' 12" and West Longitude 85° 59' 15", which is the present WTDR tower site. Attached, as Exhibit #1, is a map demonstrating that Channel 224A, from the proposed reference site, which is the licensed WTDR site, will place a city grade signal over all of Munford pursuant to the Commission's rules. Exhibit #2 is a §73.207 spacing study from the proposed site, demonstrating that Channel 229A meets the Commission's minimum distance separation requirements to all licensed, applied for or proposed facilities, with the exception of the licensed WTDR facility and the grandfathered Class A facility WAFN, Arab, Alabama. It is noted that the grandfathered shortspacing to WAFN remains unchanged with this proposal.

5. Therefore, Jacobs Broadcast Group, Inc., herein requests the following changes in §73.202 of the Commission's rules.

Munford, Alabama

Present	Proposed
None	224A

Talladega, Alabama

Present	Proposed
224A, 248A	248A ²

PUBLIC INTEREST

6. The re-allotment of Channel 224A to Munford will provide that community with its first locally licensable station, without depriving Talladega of its only local service.³ Once Channel 224A is allotted to Munford, Alabama, Jacobs Broadcast Group, Inc., will submit the necessary application to implement the change in community of license. Since this request does not propose the relocation of WTDR, there are no loss or gain area issues associated with this proposal.

7. The foregoing technical statement was prepared on behalf of Jacobs Broadcast Group, Inc., by Graham Brock, Inc., its Technical Consultants. All data related to FM facilities was extracted from the CDBS database. We assume no liability for errors or omissions in that database that may be adverse to the requests contained herein.

2) AM station WNUZ, 1230 kHz, will remain licensed to Talladega, Alabama.

3) See Footnote 2 *supra*.

PETITION FOR RULE MAKING
JACOBS BROADCAST GROUP, INC.
WTDR FM RADIO STATION
RE-ALLOT CHANNEL 224A
MUNFORD, ALABAMA
June 2002

EXHIBIT #2

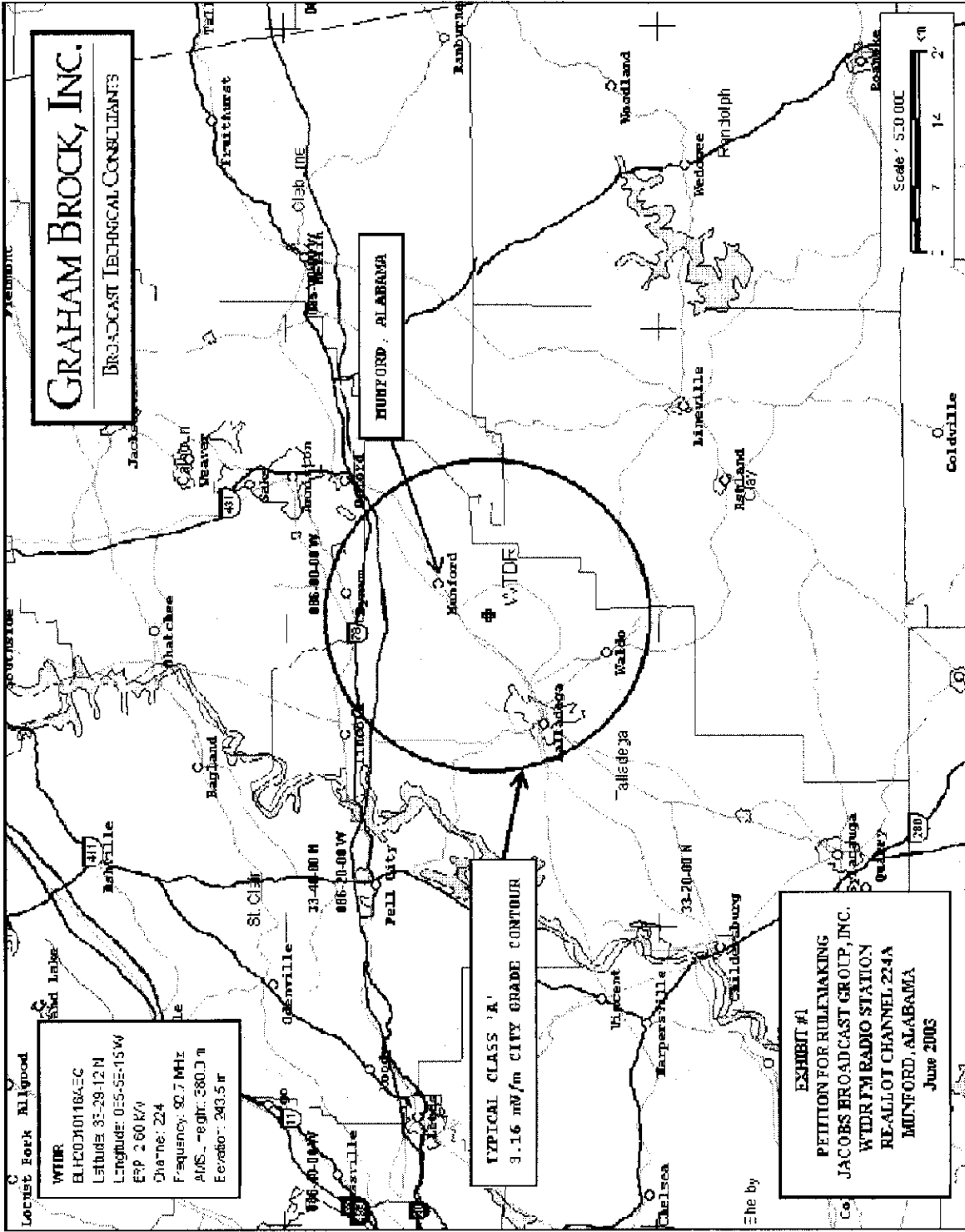
ALLOCATION STUDY FOR MUNFORD, ALABAMA
USING PRESENT WTDR SITE AS REFERENCE

REFERENCE			CLASS = A			DISPLAY DATES
33 29 12 N			Current	Spacings		DATA 05-30-03
85 59 15 W						SEARCH 06-03-03
----- Channel 224 - 92.7 MHz -----						

Call	Channel	Location	Power	Dist	Azi	FCC	Margin
N. Lat.	W. Lng.	Ant		HAAT			
WTDR	LIC 224A	Talladega	AL	0.00	0.0	115.0	-115.00
33 29 12	85 59 15	C	2.600 kW	154 M			
Jacobs Broadcast Group, In BLH20010116ABQ							
WTDR.A	APP 224A	Talladega	AL	4.69	94.9	115.0	-110.31
33 28 59	85 56 14	CX	6.000 kW	100 M			
Jacobs Broadcast Group, In BPH20030414ABK							
WAFNFM	LIC 224A	Arab	AL	104.60	336.6	115.0	-10.40
34 21 03	86 26 25	CN	0.800 kW	190 M			
Fun Media Group, Inc. BLH19910424KD							
WAFNFM	CP -N 224A	Arab	AL	104.65	336.6	115.0	-10.35
34 21 04	86 26 27	NCX	1.450 kW	190 M			
Fun Media Group, Inc. BMPH20001218ADE							
RADD	ADD 223A	Tallapoosa	GA	72.48	64.1	72.0	0.48
33 46 10	85 17 00		6.000 kW	100 M			
WIOL	LIC 224C2	Eufaula	AL	172.98	150.1	166.0	6.98
32 07 58	85 04 13	C	39.000 kW	168 M			
Hatchee Creek Communicatio BLH20001103AAC							
WZGC	LIC 225C1	Atlanta	GA	151.42	78.0	133.0	18.42
33 45 34	84 23 19	CY	100.000 kW	277 M			
Infinity Broadcasting Corp BLH19801021AB							
WTUGFM	LIC-N 225C1	Tuscaloosa	AL	153.20	252.1	133.0	20.20
33 03 15	87 32 57	NCN	100.000 kW	299 M			
Apex Broadcasting Inc. BLH19910318KD							
RADD	ADD 225C1	Northport	AL	153.20	252.2	133.0	20.20
33 03 20	87 32 59		100.000 kW	299 M			
RDEL	DEL 225C1	Tuscaloosa	AL	153.20	252.1	133.0	20.20
33 03 15	87 32 57		100.000 kW	299 M			
WGMZ	LIC-N 226A	Glencoe	AL	53.19	12.6	31.0	22.19
33 57 16	85 51 40	NCN	1.650 kW	189 M			
Capstar Tx Limited Partner BLH19931027KA							
WLWIFM	LIC 222C	Montgomery	AL	121.75	189.3	95.0	26.75
32 24 11	86 11 48	CN	100.000 kW	334 M			
Cumulus Licensing Corp. BLH19890412KA							

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS



AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

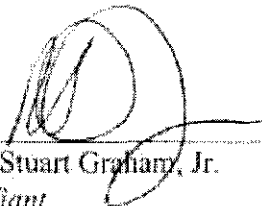
State of Georgia)
St. Simons Island) ss.
County of Glynn)

R. STUART GRAHAM, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by Jacobs Broadcast Group, Inc., to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He is a graduate of Auburn University and has been active in Broadcast Engineering since 1972.


The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 3rd day of June, 2003.



R. Stuart Graham, Jr.
Affiant

*Sworn to and subscribed before me
this the 3rd day of June, 2003.*



Notary Public, State of Georgia
My Commission Expires: April 16, 2006

CERTIFICATE OF SERVICE

I, Cary S. Tepper, Esquire, hereby certify that on this 6th day of June, 2003, I have served a copy of the foregoing "**Petition for Rule Making**" first-class, postage-prepaid, on the following:

*John A. Karousos
Chief, Allocations Branch
Federal Communications Commission
445 12th Street, S.W.; Room 3-A266
Washington, D.C. 20554

A handwritten signature in black ink, appearing to read 'Cary Tepper', written over a horizontal line.

Cary S. Tepper, Esq.

*/ indicates delivery by hand